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1st Session

SENATE

REPORT
102-231

AMENDING THE WILD AND SCENIC RIVERS ACT BY DESIGNATING A SEGMENT OF THE LOWER MERCED RIVER IN CALIFORNIA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

NOVEMBER 23 (legislative day, NOVEMBER 20), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 549]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 549) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, lines 6 and 7, strike "point of maximum flood control storage" and insert in lieu thereof "normal maximum operating pool water surface level".
2. On page 2, lines 15 and 16, strike "point maximum flood control storage" and insert in lieu thereof, "normal maximum operating pool water surface level".
3. On page 3, line 9, strike "on" and insert in lieu thereof, "of".
4. On page 4, after line 2, insert the following new section:

SEC. 3. NEW EXCHEQUER PROJECT.

The designation of the river segments referred to in section 1 of this Act as components of the Wild and Scenic Rivers System shall not affect the continued operation and maintenance of the New Exchequer Project (Project No. 2179) as licensed by the Federal Energy Regulatory Commission (including flood control operations) or the Commission's authority to relicense such project within the project boundaries set forth in the license on the date of enactment of this Act: *Provided,* That if the Commission relicenses such project, the normal maximum operating pool

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water surface level authorized in the project's license shall not exceed elevation 867.0 feet mean sea level.

Purpose of the Measure

The purpose of S. 549, as ordered reported, is to amend the Wild and Scenic Rivers Act to designate an 8-mile segment of the lower Merced River in California as a component of the Wild and Scenic Rivers System, and to study the North Fork of the Merced. River for potential addition to the Wild and Scenic Rivers System.

Background and Need

In 1987, Public Law 100-149 designated 71 miles of the main stem of the Merced River in California and 43 miles of the South fork of the Merced River as components of the Wild and Scenic Rivers System. That legislation also designated an 8-mile segment of the lower Merced River as a Wild and Scenic Study River.

At the time of the designation of the Merced and South Fork of the Merced Rivers, there was concern that the designation of the lower Merced would interfere with the proposed Saxon Creek water supply project for Mariposa County. Subsequently, concern was raised about the possible effect designation of the river would have on the New Exchequer Project operated by the Merced Irrigation District. As ordered reported, S. 549 makes clear that designation of the lower Merced will not interfere with either the construction and operation of the water project or the operation, maintenance and potential relicensing of the New Exchequer Project.

Legislative History

S. 549 was introduced by Senator Cranston on March 5, 1991. Senator Seymour was added as a cosponsor on October 16, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on March 21, 1991.

At the business meeting on November 20, 1991, the Committee on Energy and Natural Resources ordered S. 549, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Committee on Energy and Natural Resources, in open business session on November 20, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 549, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	

Mr. Akaka [1]
Mr. Fowler [1]
Mr. Shelby [1]
Mr. Wellstone
Mr. Wallop
Mr. Hatfield [1]
Mr. Domenici
Mr. Murkowski
Mr. Nickles
Mr. Burns
Mr. Craig
Mr. Seymour
Mr. Garn

[1] Indicates voted by proxy.

Committee Amendments

During the consideration of S. 549, the Committee adopted 4 amendments to clarify that the designation of the lower Merced River as a component of the Wild and Scenic Rivers System will not interfere with the continued operation and maintanence, and relicensing of the New Exchequer Project. The amendment is described in detail in section 3 of the section-by section analysis, below.

Section-by-Section Analysis

Section 1 amends section 3(a)(62) of the Wild and Scenic Rivers Act (which designates 71 miles of the Merced River as a component of the Wild and Scenic Rivers System) to designate 8 miles of the lower Merced as a component of the system. Four miles would be designated as "wild" and four miles would be designated as "recreational."

The section also provides that the Secretary of the Interior, consistent with section 7 of the Wild and Scenic Rivers Act and other applicable law, is to permit the construction and operation of the Saxon Creek Water Project by the Mariposa County Water Agency to supply water from the Merced River for the county.

Finally, the section withdraws, subject to valid existing rights, the minerals on Federal lands located within one-quarter mile on each side of the main stem of the Merced River and the South Fork Merced River designated as "recreational" or "scenic" components from all forms of appropriations under the mining laws and from operation of the mineral leasing laws.

Section 2 amends section 5(a) of the Wild and Scenic Rivers Act to designate the North Fork of the Merced River for study for potential addition to the Wild and Scenic Rivers System. The North Fork is approximately 15 miles long.

Section 3 specifically provides that the designation of the lower Merced as a component of the Wild and Scenic Rivers System shall not affect the continued operation and maintenance of the New Exchequer Project as licensed by the Federal Energy Regulatory Commission, nor will it affect the Commission's authority to relicense the project within the project boundaries set forth in the license on the date of enactment of this Act (provided that if FERC relicenses

the project), the normal maximum operating pool water suface level authorized in the project's license shall not exceed elevation 867.0 feet, mean sea level.

This section recognizes and provides that there will be an overlap between a part of the lower Merced River designated as a component of the Wild and Scenic Rivers System by this Act and part of the project boundaries of the New Exchequer Project, as currently licensed. Section 3 also authorizes, but does not require, the Federal Energy Regulatory Commission to relicense the New Exchequer Project although a part of the lower Merced River designated as a Wild and Scenic River will continue to be inside the boundaries of the project as licensed by the Commission.

The Committee understands that some parties have expressed concern about the possible effect designation of the lower Merced as a Wild and Scenic River might have on the New Exchequer Project. Section 3 makes clear that designation of the river as a component of the Wild and Scenic Rivers System will not affect the continued operation and maintenance of the project or with the Federal Energy Regulatory Commission's authority to relicense the project. Section 3 ensures that if the project is relicensed, it will not be expanded beyond its current normal maximum operating pool water surface level of elevation 867.0 feet, mean sea level.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, November 21, 1991.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 549, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System, as ordered reported by the Senate Committee on Energy and Natural Resources on November 20, 1991. CBO estimates that implementation of this bill would cost the federal government about $75,000 over the next two years, assuming appropriation of the necessary funs. Enactment of S. 549 could affect direct spending, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 549 would designate an eight-mile segment of the Lower Merced River as part of the Wild and Scenic Rivers System. The bill also would add a segment of the North Fork Merced River to the list of rivers to be studied for addition to this system. The Bureau of Land Management (BLM) indicates that the eight-mile segment of the Lower Merced River is already being managed as a wild and scenic river. We therefore do not expect designation of the river to increase federal costs. Based on information from BLM, we

estimate that the study of the North Fork Merced River would cost about $75,000 and would be completed over a two-year period.

The bill could affect direct spending because it would block new mineral claims or leases on public lands within segments of the main stem of the Merced River and the South Fork Merced River that are designated components of the Wild and Scenic Rivers System and administered as recreational or scenic. Since this provision would not affect valid existing mineral rights, we do not expect its enactment to affect federal offsetting receipts over the 1992–1995 period.

Enactment of S. 549 would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 549. The bill is not a regulatory measure in the sense of imposing Government-establish standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 549, as ordered reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Federal Energy Regulatory Commission setting forth Executive agency recommendations relating to S. 549 is set forth below:

On March 8, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 549. These reports had not been received at the time the report on S. 549 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

FEDERAL ENERGY REGULATORY COMMISSION,
Washington, D.C., March 20, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: Thank you for your letter of March 7, 1991, requesting comments on S. 549, a bill to designate a segment of the Lower Merced River, in the State of California, a com-

ponent of the National Wild and Scenic Rivers System and to designate the North Fork Merced River a study area for inclusion in the National Wild and Scenic Rivers System. Enclosed is a Commission staff report on the bill, which I hope will be useful in your consideration of S. 549.

I appreciate your inquiry. If I can be of further assistance in this matter, please do not hesitate to contact me.

Yours truly,

MARTIN L. ALLDAY.

Enclosure.

REPORT ON S. 549, 102D CONG. 2D SESS., A BILL TO DESIGNATE A SEGMENT OF THE LOWER MERCED RIVER, IN THE STATE OF CALIFORNIA, AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM AND TO DESIGNATE THE NORTH FORK MERCED RIVER AS A STUDY AREA FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

On March 5, 1991, Senator Cranston introduced S. 549. Section 1 of the bill would amend Section 3(a)(62) of the Wild and Scenic Rivers Act (Rivers Act), 16 U.S.C. § 127(a)(62), to add to the list of component rivers of the Wild and Scenic Rivers System (System) an eight-mile segment of the main stem of the Merced River from a point 300 feet upsteam of its confluence with Bear Creek downsteam to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level).

Following the enactment of S. 549, the Secretary of the Interior (Secretary) would be required, pursuant to Section 1 of the bill, to administer the eastern four miles of the eight-mile segment as "wild" and the western four miles of the segment as "recreational," as the quoted terms are described under Sections 2(b) (1) and (3) of the Rivers Act, 16 U.S.C. §§ 1273(b) (1) and (3), respectively. Section 1 would also require the Secretary to fulfill the requirements of Section 3(b) of the Rivers Act, to classify, establish boundaries, and prepare development plans for the eight-mile segment, by appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District, Bureau of Land Management.

Section 1 of the bill would authorize the Secretary to permit the construction and operation of certain pumping facilities by Mariposa County Water Agency at the Saxon Creek Project.

Section 1 of the bill also withdraws from all forms of appropriation under the mining laws and from operation of the mineral leasing laws, subject to valid existing rights, the minerals to federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of the recreational and scenic segments of the mainstream Merced River and the South Fork Merced River. The described segments are withdrawn under Section 1 in addition to the "wild" segments of the Merced River, which

are statutorily withdrawn by Section 9(a)(iii) of the Rivers Act, 16 U.S.C. § 1280(a)(iii).

Section 3 of the bill would amend Section 5(a) of the Rivers Act, 16 U.S.C. § 1276(a), to add to the list of rivers to be studied for potential addition to the System the North Fork Merced River from its headwaters to its confluence with the Merced River.

EFFECT OF S. 549, IF ENACTED, ON APPLICATIONS FILED WITH THE COMMISSION PROPOSING HYDROPOWER DEVELOPMENT AND ON PRELIMINARY PERMITS, LICENSES, AND EXEMPTIONS THAT HAVE BEEN ISSUED BY THE COMMISSION

Pursuant to Sections 7 (a) and (b) of the Rivers Act, 16 U.S.C. § 1278 (a) and (b), the Commission is prohibited from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works that would be on or directly affecting a river designated in Section 3(a) of the Rivers Act as part of the System (Component River), or a river designated by Section 5(a) of the Rivers Act for study for potential addition to the System (Study River), respectively. Sections 7 (a) and (b), through a limitation on the first prohibition, also prohibit the Commission from licensing project works above or below a Component River or Study River or on a stream tributary thereto if the project works would invade or diminish the scenic, recreational, and fish and wildlife values present in the Component River or Study River.

The Commission has interpreted the prohibitions on licensing of Sections 7 (a) and (b) as applying to issuance of exemptions. See e.g., *Swanson Mining Corp.*, 22 FERC ¶ 61,184 (1983), *reh'g, denied.* 30 FERC ¶ 61,109 (1985), *aff'd,* 790 F. 2d 96 (D.C. Cir. 1986). The Commission has determined that it is the responsibility of the administering Secretary, not the Commission, to make determinations regarding the consistency of a proposed project with the provisions of the Rivers Act. See *China Flat Company,* 27 FERC ¶ 61,024 (1984). However, since Sections 7 (a) and (b) prohibit only the authorization of construction, the Commission has held that it can issue preliminary permits authorizing the study (but not the construction) of projects to be located on or directly affecting Component Rivers and Study Rivers, but the Commission advises permittees that they must reconfigure the project to eliminate any conflict with Component Rivers. See *Modesto Irrigation District,* 17 FERC ¶ 61,144 (1981); *City of Delta,* 4 FERC ¶ 61,102 (1978).

A review of the Commission's records indicated that there are no pending applications for license, exemption, or preliminary permit that would be affected by S. 549. Commission records show no outstanding licenses, exemptions, or preliminary permits for projects on the North Fork Merced River described in Section 2 of S. 549.

There is one licensed project, the Exchequer Hydro-Electric Development Project No. 2179, which could be affected

by S. 549. Project No. 2179 consists of the Exchequer and McSwain Dams. The Exchequer Dam is located in Mariposa County and forms Lake McClure, whose maximum flood control elevation is the western (downstream) terminus of the 8-mile segment. Since the project boundary for Project No. 2179 encompasses Lake McClure and a buffer strip around the lake that extends upstream of the maximum flood control elevation, a portion of Project No. 2179 is on the 8-mile segment described by Section 1 of S. 549. The McSwain Dam of the Exchequer Project is in Mariposa County, approximately 2 miles downstream of the Exchequer Dam.

The Merced Falls Project No. 2467, which is in Merced and Mariposa Counties, approximately 11 miles south of LaGrange, California, is immediately downstream of the McSwain Dam, and thus would not be affected by S. 549.

The mineral entry withdrawal provisions of Section 2 of S. 549 do not pertain to the Commission's hydroelectric licensing authority. The Saxon Project described in Section 1 of S. 549 is not a hydroelectric project.

STATEMENT OF MICHAEL J. PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

I appreciate the opportunity to appear here today to discuss S. 549, a bill to designate a portion of the lower Merced River in California as a Wild and Scenic River.

The Bureau of Land Management (BLM) supports Wild and Scenic designation for the lower Merced River and would support S. 549, if amended.

The BLM has placed a high priority on the preservation and management of the Merced River. In 1987, the BLM, the Forest Service, and the Park Service conducted a joint study of the eligibility and suitability of the Merced River for inclusion in the wild and scenic river system. The results of that study, published in the Sierra National Forest Land and Resources Management Plan, showed that the river from within Yosemite National Park, across the Sierra and Stanislaus National Forests, and then across public lands administered by the BLM was eligible and suitable for designation under the Wild and Scenic Rivers Act.

On November 2, 1987 Public Law 100-149 was passed and added 71 miles of the Merced River to the nation's wild and scenic river system. About 8 miles of the river were placed in study-river status in order to allow the County of Mariposa time to resolve the county's domestic water supply needs from the Merced River. This has been done and S. 549 would direct the Secretary of the Interior to permit the construction and operation of the resultant Saxon Creek Project.

S. 549 would effectively preserve the last 8 undesignated miles of the Merced River; ensure a water source for Mari-

posa County without direct or adverse impact on the river; and allow recreational gold mining to the extent that such use is consistent with other river uses and values. It would establish proper classificiation of river segments. We understand that the map of the river mentioned in the bill sets a reasonable ¼ mile wide boundary for the wild and scenic river corridor.

This legislation reflects the high degree of coordination and cooperation that has occurred among various government agencies: federal, state, local and municipal governments, interest groups and the general public.

We believe this bill is essential to protect, preserve and allow proper management of the lower Merced River. This belief is widely shared by the public. About ninety percent of public comments received in response to the joint agency study favored wild and scenic designation.

The bill is consistent with the BLM's land use plan for the Merced River and its provisions are a logical extension of the 1987 legislation.

The boundaries of the segment of the Merced River included in S. 549 have been developed in the final management plan for the river, published earlier this month. It would be helpful if the bill established those boundaries rather than merely referring to a map.

We note that the first sentence of Section 1 of S. 549 would amend Section 3(a)(62) of the Wild and Scenic Rivers Act. Public Law 100-149, in adding segments of the Merced River to the National Wild and Scenic Rivers System, did not give it a subparagraph number. Section 3(a)(62) of that Act actually refers to the Kings River in California. We suggest that the numbering be corrected.

Section 2 of S. 549 would further amend the Wild and Scenic Rivers Act to require a study of the North Fork Merced River for potential inclusion in the Wild and Scenic Rivers System. We concur in this provision. The North Fork Merced River and its immediate environment appear to have outstandingly remarkable scenery, recreation opportunities, historical resources and threatened and endangered wildlife species. The North Fork is free flowing and is appropriate for study as a component of the Wild and Scenic Rivers System. A study would cost about $75,000.

This concludes my prepared statement. I will be pleased to answer questions.

BILL SUMMARY—S. 549

Section 1 of the bill would amend Section 3(a)(62) of the Wild and Scenic Rivers Act (WSR) to include the designation of an 8-mile segment of the Merced River above Lake McClure, California. (The citation for the WSR in the bill is incorrect: 16 U.S.C. 127(a)(62), assuming that 127 should be 1274, refers to Kings River, California. Public Law 100-149, in adding 71 miles of the Merced River to the national

wild and scenic river system included no specific number inside the parenthesis.) Administration of the designated segment would be by the Secretary of the Interior, with specifically defined sections being managed as wild and other sections as recreational. It would direct the Secretary to make appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District of the Bureau of Land Management. It would authorize the appropriate sums necessary to carry out the purposes of the amendments of this provision.

Section 1 would also provide that, to the extent permitted by, and in a manner consistent with section 7 of the WSR (16 U.S.C. 1278), the Secretary of the Interior shall permit the construction and operation of water pumping facilities and associated pipelines for the Saxon Creek Project, a water supply project of the Mariposa County Water Agency.

Section 1 would further provide that, for the segments on the Main Stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this bill or by the appropriate agency pursuant to "subsection b" (Section 3(b) of the WSR), "the minerals to federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank" would be withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Section 2 would amend section 5(a) of the WSR to designate the North Fork Merced River as a study river for potential addition to the National Wild and Scenic River System.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 549, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Wild and Scenic Rivers Act

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

(62) MERCED, CALIFORNIA.—[The main stem] *(a) The main stem* from its sources (including Red Peak Fork, Merced Peak Fork, Triple Peak Fork and Lyell Fork) on the south side of Mount Lyell in Yosemite National Park to a point 300 feet upstream of the confluence with Bear Creek, consisting of approximately 71 miles, and the South Fork of the river from its source near Triple Divide Peak in Yosemite National Park to the confluence with the main stem, consisting of approximately 43 miles, both as generally depicted on the map entitled "Merced River Wild and Scenic Rivers—Proposed", dated June 1987, to be administered by the Secretary of Agriculture and the Secretary of the Interior. With respect to the portions of the river designated by this [paragraph] *subparagraph* which are within the boundaries of Yosemite National Park, and the El Portal Administrative Unit, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of such river segments. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this [paragraph,] *subparagraph*, except that no more than $235,000 may be appropriated to the Secretary of Agriculture for the acquisition of lands and interests in lands.

(B)(i) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the normal maximum operating pool water surface level of Lake McClure (elevation 867 feet mean sea level) consisting of approximately 8 miles, as generally depicted on the map entitled "Merced Wild and Scenic River", dated April, 1990. The Secretary of the Interior shall administer the segment as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of the Mountain King Mine to the normal maximum operating pool water surface level of Lake McClure. The The requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District, Bureau of Land Management. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.

(ii) To the extent permitted by, and in a manner consistent with section 7 of this Act (16 U.S.C. 1278), and in accordance with other applicable law, the Secretary of the Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in the Bureau of Land Management right-of-

way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the "Saxon Creek Project", to assure an adequate supply of water from the Merced River to Mariposa County.

(C) With respect to the segments of the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals to Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

* * * * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

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( ) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.

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